S.B.CIVIL WRIT PETITION No.4956/2004
(Bhagwan Das v. Union of India & Ors.)

Date of Order :: 24th November, 2005

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. S.P.Sharma, for the petitioner.
Mr. Vijay Bishnoi, for the respondents.

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Validity of the order dated 18.6.2004 is questioned by the petitioner whereby the General Manager, Telecom District, Bharat Sanchar Nigam Ltd., Udaipur made a demand of Rs.44,959/- from the petitioner against unauthorised occupation of the residential quarter No.1-II/5, Sector 5, Udaipur.

Counsel for the petitioner at the threshold states that the petitioner is ready and willing to satisfy the demand referred above if the respondents permit him to deposit the same in easy instalments.

Counsel for the respondents states that the petitioner without having any authority retained the residential accommodation, therefore, a penal rent with expenses for electricity and water facility was determined and the petitioner is required to pay the same. The counsel for the respondents however does not dispute the position that the petitioner is a pensioner and if this Court in its equitable jurisdiction consider it appropriate to allow the

petitioner to deposit the amount in question in instalments then he shall be having no objection for that.

Looking to the fact that the petitioner is an old person and surviving on the pension received by him, I consider it appropriate with a view to complete the circuit of justice to permit the petitioner to deposit the sum of Rs.44,959/- in equal monthly instalments of Rs.1,000/- from January, 2006 subject to the condition that he deposits a sum of Rs.10,000/- out of demand referred above with the respondents before 10.1.2006.

With the directions above the writ petition is disposed of.

No order as to costs.

(GOVIND MATHUR),J.

kkm/ps.